

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DEVIN TERELLE COLE,

Petitioner,

vs.

WARDEN OF SENECA COUNTY
JAIL, et al.

Respondents.

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CASE NO. 3:17-CV-155

OPINION AND ORDER
[Resolving Docs. [1](#), [5](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On January 23, 2017, Petitioner Devin Terelle Cole filed a habeas corpus petition under [28 U.S.C. § 2241](#) challenging his pre-removal detention.¹ On July 19, 2017, Magistrate Judge Kathleen B. Burke recommended that the Court dismiss Petitioner Cole's petition for lack of subject matter jurisdiction.² Magistrate Judge Burke found that the petition is now moot because Immigration and Customs Enforcement already removed Petitioner Cole from the country.

Objections to Magistrate Judge Burke's Report and Recommendation were due by August 2, 2017. Petitioner Cole has not filed objections to the Report and Recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.³ Absent objection, a district court may adopt the Report and Recommendation without review.⁴

Because no party has objected to the Report and Recommendation, this Court may adopt the Report and Recommendation without further review. Moreover, having conducted its own

¹ Doc. [1](#). Respondent opposed. Doc. [4](#).

² Doc. [2](#).

³ [28 U.S.C. § 636\(b\)\(1\)](#).

⁴ [Thomas v. Arn](#), 474 U.S. 140, 149 (1985); [L.R. 72.3\(b\)](#).

review of the petition and record, the Court agrees with the conclusions in the Report and Recommendation.

Accordingly, the Court **ADOPTS** Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference. The Court **DISMISSES** Petitioner's habeas petition. Furthermore, no basis exists upon which to issue a certificate of appealability.⁵

IT IS SO ORDERED.

Dated: September 21, 2017

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁵ [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).